

Practitioner's Docket No. BTI-181
PATENT & TRADEMARK OFFICE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

USSN: 10/077,922

Date Filed: February 19, 2002

Name of Applicant: Jeffrey L. Helfer et al.

Title of Invention: "An Electromagnetic Interference Immune Tissue Invasive System"

Assistant Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

ATTENTION: Supervisory Patent Examiner, Unit 2872

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#10
B. Webb
10/23/03

REQUEST FOR CORRECTION OF INVENTORSHIP OF APPLICATION
(37 C.F.R. Section 1.48)

1. This is a REQUEST for correction of error in a [] misjoinder or [X] nonjoinder of inventors in the above issued patent. It is respectfully requested that the PTO make the correction.

2. Enclosed herewith is (37 C.F.R. Section 1.48 (a)):

A. A statement from each person who is being added as an inventor that the inventorship error occurred without any deceptive intention on his or her part.

B. A statement from the current named inventors who have not submitted a statement under A above agreeing to the change in inventorship.

3. Also enclosed is the written consent of the assignee.

MAILED

AUG 27 2003

A statement under 37 C.F.R. Section 3.73(b), establishing the right of the assignee to take action, is also enclosed.

GROUP 340

4. The fee required (37 C.F.R. Section 1.17(i)) is paid as follows:

A check for \$ 130.00 is enclosed herewith; please debit any additional amount or credit any overpayment to Deposit Account No. 50-2737.

03/08/2003 STEUMEL1 00000082 10077922

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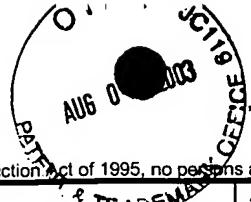
130.00 0P

Date: 8/5/03

Dea

**Duane C. Basch
Registration No. 34,545
Basch & Nickerson LLP
1777 Penfield Road
Penfield, NY 14625
US
585-899-3970
Customer No. 37211**

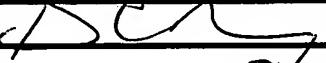
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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | | | |
|--|----------------------|------------------------|--------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 10/077,922 | |
| | Filing Date | February 19, 2002 | |
| | First Named Inventor | Jeffrey L. Helfer | |
| | Art Unit | 2872 | |
| | Examiner Name | | |
| Total Number of Pages in This Submission | 23 | Attorney Docket Number | BTI-18 |

| ENCLOSURES (Check all that apply) | | | |
|---|--|--|-------------------------------------|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">See the attached additional enclosures</div> | MAILED AUG 27 2003 |
| Remarks | | | |
| Enclosed are the various documents to request a Correction of Inventorship of Application for the above-referenced application. If any additional fees are required, please charge to Basch & Nickerson Deposit Account 50-2737. | | | |

| | |
|--|---|
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
| Firm or Individual name | Duane C. Basch; Basch & Nickerson LLP |
| Signature |  |
| Date | 8/5/03 |

| | |
|--|---|
| CERTIFICATE OF TRANSMISSION/MAILING | |
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Washington, DC 20231 on this date: 8/5/03 | |
| Typed or printed name | |
| Signature |  |
| |  |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



08-07-03

2872 \$

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Filing application of: Jeffrey L. Helfer et al.

Application No.: 10/077,922

Confirmation No: 6499

Filed: 2/19/2002

Group No.: 2872

Examiner:

For: An Electromagnetic Interference Immune Tissue Invasive System

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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EXPRESS MAIL CERTIFICATE

"Express Mail" Label Number: EL 988690700US

Date of Deposit: 8/6/03I hereby state that the following *attached* paper or fee:

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Certificate of Express Mailing

AUG 27 2003

Transmittal Form

GROUP 3700

Request for Correction of Inventorship of Application

Declaration

Statement of Non-Deceptive Intent by Person Being Added by Petition to Change Inventorship in Application

Statement Agreeing to Change of Inventorship in Application By Correctly Named Inventors

Consent of Assignee to Change of Inventorship in Application

Statement under 37 CFR 3.73 (b)

Fee Transmittal

Return Postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

If any additional fees are due, please charge to Deposit Account 50-2737.

PERSON MAILING THE APPLICATION:

Basch & Nickerson LLP

1777 Penfield Road

Penfield, New York 14625

(585) 899-3970

SIGNATURE OF MAILER:

Suzanne T. Stockman

Duane C. Basch, Esq. (Reg. No. 34,545)

Michael J. Nickerson (Reg. No. 33,265)

Alan R. Reinnagel

 Suzanne T. Stockman

Dollie C. Masters

Donna N. Parsons

Other:



**TRANSMITTAL FORM
(PTO/SB/21)**

ADDITIONAL ENCLOSURES

| | |
|------------------------|-------------------|
| Application Number | 10/077,922 |
| Filing Date | February 19, 2002 |
| First Named Inventor | Jeffrey L. Helfer |
| Art Unit | 2872 |
| Examiner Name | |
| Attorney Docket Number | BTI-18 |

Certificate of Express Mailing

Transmittal Form

Request for Correction of Inventorship

Declaration

Statement of Non-Deceptive Intent

Statement Agreeing to Change in Inventorship

Consent of Assignee to Change in Inventorship

Statement under 37 CFR 3.73 b

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Check

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FEE TRANSMITTAL

for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

Complete if Known

| | |
|----------------------|-------------------|
| Application Number | 10/077,922 |
| Filing Date | February 19, 2002 |
| First Named Inventor | Jeffrey L. Helfer |
| Examiner Name | |
| Art Unit | 2872 |
| Attorney Docket No. | BTI-18 |

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None

 Deposit Account:

Deposit Account Number: 50-2737
Deposit Account Name: Basch & Nickerson LLP

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 1001 750 | 2001 375 | Utility filing fee | |
| 1002 330 | 2002 165 | Design filing fee | |
| 1003 520 | 2003 260 | Plant filing fee | |
| 1004 750 | 2004 375 | Reissue filing fee | |
| 1005 160 | 2005 80 | Provisional filing fee | |
| SUBTOTAL (1) (\$) | | | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | | Fee from below | Fee Paid |
|--------------------|--------------|---|----------------|----------|
| | -20** | = | | |
| | -3** | = | | |
| Independent Claims | | | | |
| Multiple Dependent | | | | |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description |
|----------------------------|----------------------------|--|
| 1202 18 | 2202 9 | Claims in excess of 20 |
| 1201 84 | 2201 42 | Independent claims in excess of 3 |
| 1203 280 | 2203 140 | Multiple dependent claim, if not paid |
| 1204 84 | 2204 42 | ** Reissue independent claims over original patent |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$) | | |

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee (\$) | Fee Code (\$) | Fee (\$) | Fee Description | Fee Paid |
|-----------------------------------|----------|--|----------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 410 | 2252 | 205 | Extension for reply within second month | |
| 1253 | 930 | 2253 | 465 | Extension for reply within third month | |
| 1254 | 1,450 | 2254 | 725 | Extension for reply within fourth month | |
| 1255 | 1,970 | 2255 | 985 | Extension for reply within fifth month | |
| 1401 | 320 | 2401 | 160 | Notice of Appeal | |
| 1402 | 320 | 2402 | 160 | Filing brief in support of an appeal | |
| 1403 | 280 | 2403 | 140 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,300 | 2453 | 650 | Petition to revive - unintentional | |
| 1501 | 1,300 | 2501 | 650 | Utility issue fee (or reissue) | |
| 1502 | 470 | 2502 | 235 | Design issue fee | |
| 1503 | 630 | 2503 | 315 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 750 | 2809 | 375 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 750 | 2810 | 375 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 750 | 2801 | 375 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| Other fee (specify) | | Request for Correction of Inventorship | | 130.00 | |
| *Reduced by Basic Filing Fee Paid | | SUBTOTAL (3) (\$) | | 130.00 | |

(Complete if applicable)

| | | | | | |
|-------------------|----------------|-----------------------------------|--------|-----------|--------------|
| Name (Print/Type) | Duane C. Basch | Registration No. (Attorney/Agent) | 34,545 | Telephone | 585-899-3970 |
| Signature | 8/5/03 | | | | |

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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GROUP 3700